

Remarks

Claims 10-20 are now pending in this application. Applicant has presented new claims 10-20 and canceled claims 1-9 to clarify the present invention. Applicant respectfully requests favorable reconsideration of this application.

Applicant submits herewith a certified copy of the priority application and a certified translation of the priority document.

Applicant also submits herewith a new declaration and power of attorney in which the filing date of the priority application has been corrected.

Applicant confirms the response to the restriction requirement to prosecute the invention of Figs. 1 and 2, claims 1-3 and 6-9.

Applicant has amended the specification to insert section headings.

Applicant has cancelled the abstract and submits a new abstract of the disclosure herewith on a separate sheet.

The Examiner rejected claim 1 under 35 U.S.C. § 112, first and second paragraphs. The language identified by the Examiner is no longer present in the claims. Applicant has amended the first paragraph on page 1 of the specification to state that the explosive charge is "under the

influence" of the sprung device rather than "activated by" the sprung device. This is a more accurately translation of the original Swedish specification. This amendment is in accordance with the specification at page 6, lines 17-19. In view of the above, Applicant respectfully requests withdrawal of these rejections.

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 6,035,631 to Cannon. The Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Cannon.

Cannon does not disclose the present invention as recited in newly presented independent claim 10 since, among other things, Cannon does not disclose an active part of an ammunition device that includes a sprung device operative to apply a force to a sleeve in an axial direction of the active part. Cannon appears to disclose a structure that includes springs 50 that apply force in a radial direction of the structure.

In view of the above, Cannon does not disclose all elements of the present invention as recited in newly presented claim 10. Since Cannon does not disclose all elements of the present invention as recited in newly presented claim 10, the present invention, as recited in newly presented claim 10, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

Cannon does not suggest the present invention as recited in newly presented claim 14, which depends from newly presented claim 10 and which replaces claim 3, since, among other things, Cannon does not suggest a structure in which the leaf spring or any other type of spring applies a force to a sleeve in an axial direction of the active part. Rather, Cannon suggests a structure that includes springs 50 that apply force in a radial direction of the structure. The present invention provides a structure that permits the explosive charge to expand within certain limits without causing the locking device to be released from the casing. Cannon does not suggest such an expanding solution.

In view of the above, the reference relied upon in the office action does not disclose or suggest patentable features of the present invention. Therefore, the reference relied upon in the office action does not anticipate the present invention or make the present invention obvious. Accordingly, Applicant submits that the present invention is patentable over the cited reference.

In view of the above, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this application, Applicant respectfully urges the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: 7/13/06

A handwritten signature in black ink, appearing to read "Eric J. Franklin", is written over a horizontal line.

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